

2012 LEGISLATIVE POLICIES AND FUNDING PRIORITIES

LEGISLATIVE POLICIES

Legislative Guiding Principles - The Legislative Guiding Principles represent a framework for the City's legislative interests at the federal, State and regional levels. The following key legislative principles form the foundation of the City's advocacy efforts:

- Protect local control, including
- Ensure the City's competitiveness through strategic economic development.
- Protect and increase local funding; no unfunded mandates.
- Support the use of incentives to encourage local government action, rather than impose mandates.
- Pursue federal and State, public/private partnership, and private grant funding for key efforts.
- Preserve and create financing tools for local government to support economic development and build affordable housing.
- Promote livability, sustainable development, and environmental protection.
- Support efforts to keep Fremont safe.
- Promote investment in infrastructure maintenance and rehabilitation.

CATEGORIES

Administration	Human Services	Telecommunications
Affordable Housing	Land Use	Transportation & Infrastructure
Economic Development	Parks & Recreation	2012 Funding Priorities
Employee Relations	Public Safety	
Environment	Revenue & Taxation	

ADMINISTRATION

All-mail Ballot Elections Allow cities to conduct all-mail ballot elections, particularly for stand-alone local elections. Such elections will help local governments save dwindling financial resources.

Regional Boards The City does not support legislative that dilutes local control at the regional board or authority level.

AFFORDABLE HOUSING

Fremont continues to be firmly committed to the production of high quality, affordable housing for a range of income levels and target populations such as families, seniors and those with special needs. The State's elimination of redevelopment will also result in a loss of Affordable Housing Funds. This loss will have a devastating impact on Fremont's future affordable housing developments and programs, as well as the City's ability to provide critical shelter to those with limited incomes.

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The City joins other communities across the State in urging the creation of a long-term funding source that is dedicated to financing housing that is affordable to a range of incomes, from extremely low to moderate. The City agrees that the State should continue funding current programs with future distribution of funds at both State and local levels. The City also encourages multiple sources of funding to ensure stability.

Due to the multi-source nature of financing, affordable housing developments generally require three to five years to build the equity necessary to complete a project. The State should recognize this timeframe in its funding commitments to local projects.

ECONOMIC DEVELOPMENT

The City supports State and federal efforts to continue to fund economic stimulus programs; enact jobs legislation; and financially support small business entrepreneurship training and assistance.

Redevelopment Replacement The City supports legislation that replaces redevelopment with policies to stimulate economic development, which might include lower thresholds for bonds and other incentives.

Business Incentives The City requests that efforts to attract new business to the State be revenue neutral to local governments and not impact the limited revenues cities receive.

EMPLOYEE RELATIONS

Mandated Employee Benefits The City opposes legislation mandating local employee benefits because such benefits can impose financial costs and administrative burdens on local governments. Decisions about employees' health and retirement benefits should be made at the local level, through the collective bargaining process, not mandated by the State.

Mandatory Social Security Coverage The City opposes mandatory Social Security coverage.

Pension Reform The City opposes legislation to eliminate a local contracting agency's ability to reduce or modify benefits for new employees of the agency. The City supports pension reform, provided that it achieves savings without imposing additional costs on the City.

Retiree Medical The City opposes any legislation that would make participation in any program to pre-fund other post-employment benefit (OPEB) obligations mandatory. However, the City does support legislation that expands the universe of employee self-funded medical benefits on a tax-advantaged basis under State law in coordination with programs and funding mechanisms developed under federal law.

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Social Security and Local Government Pensions The City supports modifying legislation so that City employees are not penalized for work performed in addition to their local government service.

Workers' Compensation The City opposes any new or additional workers' compensation benefits and supports legislation to further reform the system and lower employer costs.

4850 Benefits The City opposes legislation to extend the leave of absence at full salary, tax free, from the current one year to which public safety employees who are totally temporarily disabled by injury or illness on the job are entitled (Labor Code Section 4850).

ENVIRONMENT

Climate Protection The City supports legislation and policies that assist local government in meeting or exceeding locally established goals of reducing global warming pollution levels to 25% below the 2005 levels by 2020, provided that cities maintain autonomy and discretion over whether to implement. These efforts may include reducing dependence on fossil fuels, developing alternative energy resources, and developing fuel-efficient technologies.

Landfill The City supports legislation and the development of alternative technologies such as anaerobic digestion or mixed waste processing that result in waste diversion from landfills.

Litter Control and Abatement The City supports legislation to address litter control and abatement problems in California.

Producer Responsibility The City supports legislation to require manufacturers to assume financial and/or physical responsibility for the costs of collecting, processing, recycling, or disposing of products at end-of-life, especially those products that create significant economic burdens on local government for end-of-life management, either because high volumes of the material exist in the waste stream, or because the nature of the product makes it difficult to manage in the current integrated waste management system.

Recycling The City supports continuation of existing California Integrated Waste Management Act (AB 939) waste diversion requirements and the new state goal of 75% diversion by 2020 (AB 341). The City also supports diversion measurement and reporting improvements that do not adversely impact the assessment of compliance efforts made by local jurisdictions.

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Recycled Product Market Development The City supports legislation that:

- Encourages manufacturers to include post-consumer recycled material in their products.
- Encourages state and local government agencies and school districts to purchase products made with post-consumer recycled material that reduce waste and that reduce toxicity of materials that may be discarded or disposed in the future.

Solid Waste The City opposes legislation that preempts local planning decisions regarding solid waste facility sites, preempts local solid waste and AB 939 fee setting authority, or imposes taxes or fees on local solid waste programs to fund State programs not directly related to solid waste management.

Stormwater Program Funding The City supports legislation that would make it easier for cities to fund and comply with new and increasingly stringent storm water quality permit requirements.

Sustainable Development The City supports legislation that provides financial and technical support to local government in implementing sustainable development practices such as transit- friendly development, “green building,” and other sustainable practices.

HUMAN SERVICES

CalWORKS The City opposes any reductions in the CalWORKS program, including reductions in the time beneficiaries are allowed to receive welfare benefits.

Children and Youth The City supports legislation that:

- Provides funding for programs, such as Proposition 49 and Proposition 10, which provide early intervention for infant, toddlers and school age children.
- Provides funding for youth development programs that promote civic engagement and reduce delinquency through conflict resolution and gang resistance programs with vocational training and employment opportunities.
- Supports State efforts to reinstate funding for Stage 3 childcare, which continues to provide some child care support to families who are recently employed and no longer receiving welfare benefits.

Community Development Block Grant Funding (CDBG) The City opposes any reductions to formula funding for the Community Development Block Grant Program.

Economic Self-sufficiency The City supports funding for family economic self-sufficiency programs such as money management classes, Individual Development Accounts (IDAs) and the Volunteer Income Tax Assistance (VITA) program, which helps low-income

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individuals file their tax returns and qualify for the various credits and deductions available to them.

Family Resource Centers The City supports funding for family resource centers, which provide comprehensive integrated programs to improve the quality of life and strengthen individuals, teens, and families through services and activities.

Homelessness The City supports legislative efforts that allocate any future Homeless Emergency and Rapid Transition to Housing Act (HEARTH) funding directly to local municipal and county jurisdictions.

Medi-Cal Access and Health Care Funding The City supports legislation that:

- Eases access to Medi-Cal so that more needy people can qualify for and receive the benefit.
- Expands funding for health care for low-income and/or medically indigent individuals.
- Expands federal support for Medi-Cal reimbursement programs such as Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM).
- Supports efforts to comply with health care reform legislation.

Mental Health The City supports legislation that:

- Provides funding for community education about the value of early intervention and treatment for mental disorders, including substance abuse; and
- Enforces regulations requiring that health insurance policies treat addiction and mental illness on the same level as other illnesses.

Multipurpose Senior Service Program The City opposes the elimination or reduction of the Multipurpose Senior Service Program (MSSP) and supports increasing State funding for this important program through the passage of a cost-of-living adjustment and an increase in the number of participant slots available for the program.

Nutrition and Wellness The City opposed any cuts to the CalFresh Program, formerly known as Food Stamps and federally known as the Supplemental Nutrition Assistance Program (SNAP), and supports all efforts to increase participation in this federal nutrition program that provides food for families in need, and provides increased tax revenue for the local community.

Senior Services The City opposes funding cuts for community-based programs that serve seniors, and supports cost-of-living adjustments for Social Security and other entitlement programs.

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Special Populations The City supports providing funding for affordable housing and other supportive services for special populations such as people living with AIDS or other disabilities and the mentally ill.

LAND USE

Housing Elements The City opposes legislation that penalizes local governments for noncompliance with their housing element requirements, since the compliance is based on several factors, such as the economy, that are not within the control of local government.

In light of the elimination of redevelopment, the City supports legislative that provides flexibility in meeting the Regional Housing Needs Assessment (RHNA) requirements that are mandated by State Housing Law as part of the periodic process of updating the housing element in the General Plan.

Preservation of Local Land Use Authority The City opposes legislation that would remove or limit local government land use authority.

PARKS & RECREATION

Day Camps The City opposes legislation that limits the City's ability to offer day camp programming during the summer and other school vacations.

Playground Safety Guidelines The City supports legislation that protects cities from liability for use of playgrounds and supports ensuring that all new safety mandates come with associated funding to help cities comply with the guidelines.

PUBLIC SAFETY

Emergency Preparedness Resources The City supports legislation to provide resources for emergency planning, training, exercises, and equipment for emergency workers.

COPS Funding The City supports funding for the Citizens' Option for Public Safety (COPS) program, which helps pay for police officer salaries and benefits.

Fire Protection in Schools The City supports requiring the installation of automatic fire sprinkler systems in new and remodeled schools.

Fire Service Funding The City supports funding for disaster preparedness and training, including the Staffing for Adequate Fire and Emergency Response (SAFER) program, which helps pay for firefighter salaries and benefits, and funding for the Metropolitan Medical Response System (MMRS).

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Interoperability The City supports funding for interoperability initiatives to better facilitate coordinated and effective emergency response by police, fire, EMS, and non-public safety departments in cities and across regional jurisdictions.

TASERS While the City does not oppose further research efforts on the effects of the TASER, the City does oppose a ban or severe restrictions on the use of the TASER while any study is being conducted.

REVENUE & TAXATION

E-commerce The City supports the legislation to close the loophole in current law that allows corporations with a physical presence, or nexus, in California to evade their sales and use tax obligations by setting up related web-based businesses based outside California. Sales of goods and products over the Internet pose a serious threat to the City's overall sales tax revenue base.

Equitable Allocation The City supports legislation that provides stable dedicated revenue to support all City responsibilities, and establishes a more equitable distribution of locally generated taxes (property, sales, etc.).

Fiscal Reform The City opposes continued State efforts to find ways to divert local revenues and encourages the State to find other ways to balance its budget.

Flexibility in Use of Funds The City supports legislation that lifts restrictions on restricted funds to provide the highest levels of discretion to elected representatives to manage the financial affairs of their jurisdictions.

Lower Threshold for Local Taxes The City supports a constitutional amendment to lower the threshold for approval of local taxes to either 55% (the same requirement schools now face) or to a simple majority, especially to encourage economic and local development.

TELECOMMUNICATIONS

The City supports legislation to ensure consumer access to efficient, cost-effective and innovative telecommunication services.

Build-out of Facilities The City supports legislation that provides a reasonable timeframe for deployment of telecommunications services by providers that includes a clear plan for sequencing of the build-out of facilities within an entire franchise area.

Municipal Broadband Networks Preserve local authority to deploy and operate municipal broadband networks, through either public-private partnerships or systems wholly owned by the municipality.

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Revenues from Telecommunications Protect the authority of local governments to collect revenues from telecommunications providers and ensure that any future changes are revenue neutral for local governments.

Use of Public Rights-of-way The City supports local government's ability to regulate use of public rights-of-way.

TRANSPORTATION & INFRASTRUCTURE

Economic Stimulus for Infrastructure Projects The City supports State and federal legislation to provide funds for local government infrastructure projects.

Copper Wire Theft In partnership with other local agencies (e.g., BART, City of Antioch, and City of Milpitas), the City supports legislation that strengthens penalties against: 1) offenders who steal copper wire; and 2) scrap metal dealers that purchase stolen copper wire.

Fuel Tax Increase The City supports fuel tax indexing or an increase to provide additional funding for local street projects, especially maintenance.

Lower Threshold for Approval of Transportation Sales Taxes The City supports a constitutional amendment to lower the threshold for approval of sales and use taxes for transportation purposes. Currently, such taxes must be approved by two-thirds of the voters. The City supports lowering the requirement to either 55% (the same requirement schools now face) or to a simple majority.

Peak Congestion The City supports legislation to provide funding to help mitigate the traffic impacts of projects that create peak period congestion.

Preservation of Eminent Domain for Infrastructure The City supports legislation that preserves condemnation authority and acquisition of residential property.

State Funding for Grade Separations The City supports legislation to clarify that the railroads' required contribution shall be a minimum of 10% of the estimated project cost.

Quiet Zones The City supports legislation that provides funding for quiet zone improvements or allows existing funding sources that pay for various types of transportation improvements to also allow use for quiet zones.

2012 FUNDING PRIORITIES

1. **Auto Mall Parkway between I-680 and Osgood Road, and Mission Boulevard between I-680 and Warm Springs Boulevard** When the Warm Springs BART Extension opens, traffic from I-680 trying to reach the Warm Springs BART station will increase the already congested segments on Auto Mall Parkway between I-680 and Osgood Road, and on Mission Boulevard between I-680 and Warm Springs

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Boulevard. The City supports seeking regional, state or federal funding to assist with making the necessary improvements to either of these roadway segments to mitigate some of the BART impacts. **Estimated shortfall: \$4 - \$5 million.**

2. **Warm Springs BART West Entrance** The Warm Springs BART station is designed to have access from both the east side of the station, toward the BART parking lot, and the west side of the station, toward the TESLA factory. However, the current Warm Springs Extension Project only has funding for station access from the east. With the large amount of vacant land west of the station, the City desires to provide access from the west side of the BART station to facilitate development of parcels west of the station. However, with the sale of the vacant NUMMI properties to Union Pacific Railroad, the need for access on the west side of the station is dependent upon the UPRR's ultimate use of this property. Should UPRR be willing to develop a portion of that land with uses that generate substantial BART ridership, the City supports the use of regional, state or federal funding to provide access from the properties west of the Union Pacific Railroad (UP) and BART tracks, over the UP tracks into the west side of the BART station. **Estimated shortfall: \$11 million.**
3. **Irvington BART Station** As far back as 1979, plans for the Warm Springs BART Extension have assumed the extension would include an Irvington BART Station located near the intersection of Washington Boulevard and Osgood Road. Due to funding constraints, BART's Warm Springs Extension funding plan does not include the Irvington Station. Instead, the Irvington Station has been designated as an optional station with the City being responsible for identifying and securing the necessary funding for the station. Because this is a very substantial project with regional transportation benefits, the City seeks regional, state and federal funding for the Irvington Station to offset all or a portion of the station's construction cost. **Estimated cost: \$120 million (in 2010 dollars).**
4. **Street/Pavement Rehabilitation** The City's streets are its highest valued capital asset, with an investment of over \$1 billion. As any street system ages and traffic loading increases (caused by increasing traffic, changes in bus routes and the use of heavier waste hauling and delivery trucks), the long-term maintenance needs increase. The City's Pavement Management System (PMS) has identified approximately \$190 million in needed pavement maintenance over the next five years. That level of funding would bring the entire street system up to a Pavement Condition Index (PCI) of 78. The optimal PCI is 83. The current PCI is 64. After one-time federal and State funding is exhausted, the City only has funding for approximately \$4.8 million annually for pavement rehabilitation projects. **Estimated shortfall: \$160 million over the next 5 years.**
5. **Mission Boulevard/I-680 Interchange Improvement Project** The City is working with the Alameda County Transportation Commission (ACTC) on a Project Study Report (PSR) to improve the Mission Boulevard interchange area. Mission Boulevard is the most direct path between I-680 and I-880 and is used by thousands of regional commuters each day to move between the two freeways. The "short-

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term” improvements (as opposed to reconstructing Mission Boulevard into a full freeway) include improvements to the I-680/Mission Boulevard interchange and the widening of Mission Boulevard between Warm Springs Boulevard and I-680 (estimated cost \$65 million). **Estimated shortfall: \$20 million.**

6. **Auto Mall Parkway Widening** Auto Mall Parkway is the second most used connector in Fremont between I-680 and I-880. For many years, the City has planned to widen Auto Mall Parkway to six lanes (estimated cost \$25 million) but has had insufficient funding to do so. The need for these improvements will increase as the large areas of vacant or underutilized land in the Warm Springs area develop. **Estimated shortfall: \$25 million.**
7. **ADA Compliance for Intersections** The City desires to upgrade or install intersection ramps to comply with the latest Americans with Disabilities Act (ADA) standards within the public right-of-way. The new ramps will meet the ADA requirements for slopes, landings, and detectable warning surfaces. The ramps will improve the accessibility of public sidewalks, and the detectable warning surfaces will alert visually impaired pedestrians to the presence of an intersection. **Estimated shortfall: \$45 million.**
8. **Sidewalk Repair** The City’s infrastructure, in many areas, is over fifty years old, and the street trees are just as old or older. The roots from these street trees can displace pavement and cause hazardous conditions for pedestrians and cyclists. The City now provides temporary patches and has a long-term plan to fix sidewalks. However, the needs exceed the City’s available resources. As the City ages, this problem will grow unless funds can be secured to increase capacity to deal with the street trees and sidewalks. **Estimated shortfall: up to \$25 million.**
9. **Citywide Fiber Optic and Intelligent Transportation Systems (ITS) Deployment** As the City’s existing copper signal interconnect cable (that communicates media for the City’s traffic signals) ages and becomes obsolete, it needs to be replaced by high bandwidth fiber optic cable. The use of fiber optic cable provides unlimited possibilities to serve other City needs and facilities not available in the past with copper interconnect cable. Fiber optic cables can link traffic signals, closed circuit television cameras, and changeable message signs. In addition, the use of fiber optic cable gives the City the ability to provide a more secure and reliable high bandwidth connection to other City facilities, such as fire stations, community centers, recreation centers, and libraries. These facilities are either not connected at all, or they are on less reliable, lower bandwidth, leased lines. Installing fiber optic cable also gives the City the opportunity to provide wireless private and public “hotspots” at high-density public gathering places. These hot-spots will facilitate emergency response by providing both police officers and firefighters with the same online computer access in their vehicles on the street, as they would get if they were sitting in a City office. This project, which can be phased and constructed on a segment-by-segment basis, would install fiber optic cable throughout Fremont to interconnect facilities such as traffic signals, fire stations, community centers, recreation centers,

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and libraries. In addition, the installation of closed circuit television cameras and changeable message signs throughout the city would enable staff to better manage and direct traffic. **Estimated cost: \$12 million.**

10. **Mowry Avenue Widening Between Overacker Avenue and Mission Boulevard (under two active railroad bridges)** The segment of Mowry Avenue between Overacker Avenue and Mission Boulevard passes under two old narrow railroad bridges that force the roadway to narrow to one lane in each direction. This segment of Mowry is one of the most congested roadways in the City. In fact, this segment was determined to be “deficient” by the County’s Congestion Management Agency. To eliminate the bottleneck, this segment of Mowry Avenue needs to be widened to two lanes in each direction. This requires demolishing and reconstructing both railroad bridges while maintaining freight service and widening the street. **Estimated cost: \$45 million.**